



General Assembly

January Session, 2011

**Substitute Bill No. 6273**

\* \_\_\_\_\_HB06273JUD\_\_\_\_042911\_\_\_\_\_\*

**AN ACT CONCERNING THE OFFICE OF STATE ETHICS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 1-80 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2011*):

3       (a) There shall be an Office of State Ethics that shall be an  
4       independent state agency and shall constitute a successor agency to the  
5       State Ethics Commission, in accordance with the provisions of sections  
6       4-38d and 4-39. Said office shall consist of an executive director,  
7       general counsel, ethics enforcement officer and such other staff as  
8       hired by the executive director. Within the Office of State Ethics, there  
9       shall be the Citizen's Ethics Advisory Board that shall consist of nine  
10      members, appointed as follows: One member shall be appointed by the  
11      speaker of the House of Representatives, one member by the president  
12      pro tempore of the Senate, one member by the majority leader of the  
13      Senate, one member by the minority leader of the Senate, one member  
14      by the majority leader of the House of Representatives, one member by  
15      the minority leader of the House of Representatives, and three  
16      members by the Governor. Members of the board [shall serve for four-  
17      year terms which shall commence on October 1, 2005, except that  
18      members] first appointed for a term commencing on October 1, 2005,  
19      shall have the following terms: The Governor shall appoint two  
20      members for a term of three years and one member for a term of four  
21      years; the majority leader of the House of Representatives, minority

22 leader of the House of Representatives and the speaker of the House of  
23 Representatives shall each appoint one member for a term of two  
24 years; and the president pro tempore of the Senate, the majority leader  
25 of the Senate and the minority leader of the Senate shall each appoint  
26 one member for a term of four years. The term commencing October 1,  
27 2009, for the member appointed by the Governor and the member  
28 appointed by the president pro tempore of the Senate, shall be five  
29 years. Upon the expiration of such members' five-year terms, such  
30 members may not be reappointed. Thereafter, members shall serve for  
31 terms of four years. No individual shall be appointed to more than one  
32 four-year term as a member of the board. [, provided, members]  
33 Members may not continue in office once their term has expired and  
34 members first appointed may not be reappointed, provided they may  
35 continue to adjudicate at a hearing under subsection (b) of section 1-82  
36 that commenced during such member's term of office. No more than  
37 five members shall be members of the same political party. The  
38 members appointed by the majority leader of the Senate and the  
39 majority leader of the House of Representatives shall be selected from  
40 a list of nominees proposed by a citizen group having an interest in  
41 ethical government. The majority leader of the Senate and the majority  
42 leader of the House of Representatives shall each determine the citizen  
43 group from which each will accept such nominations. One member  
44 appointed by the Governor shall be selected from a list of nominees  
45 proposed by a citizen group having an interest in ethical government.  
46 The Governor shall determine the citizen group from which the  
47 Governor will accept such nominations.

48 (b) All members shall be electors of the state. No member shall be a  
49 state employee. No member or employee of [such] said board shall (1)  
50 hold or campaign for any public office; (2) have held public office or  
51 have been a candidate for public office for a three-year period prior to  
52 appointment; (3) hold office in any political party or political  
53 committee or be a member of any organization or association  
54 organized primarily for the purpose of influencing legislation or  
55 decisions of public agencies; or (4) be an individual who is a registrant

56 as defined in [subsection (q) of] section 1-91. For purposes of this  
57 subsection, "public office" does not include the offices of justice of the  
58 peace or notary public.

59 (c) Any vacancy on the board shall be filled by the appointing  
60 authority having the power to make the original appointment. An  
61 individual selected by the appointing authority to fill a vacancy shall  
62 be eligible for appointment to one full four-year term thereafter. Any  
63 vacancy occurring on the board shall be filled within thirty days.

64 (d) The board shall elect a chairperson who shall, except as  
65 provided in subsection (b) of section 1-82 and subsection (b) of section  
66 1-93, preside at meetings of the board and a vice-chairperson to  
67 preside in the absence of the chairperson. Six members of the board  
68 shall constitute a quorum. Except as provided in subdivision (3) of  
69 subsection (a) of section 1-81, subsections (a) and (b) of section 1-82,  
70 subsection (b) of section 1-88, subdivision (5) of section 1-92,  
71 subsections (a) and (b) of section 1-93 and subsection (b) of section 1-  
72 99, a majority vote of the members shall be required for action of the  
73 board. The chairperson or any three members may call a meeting.

74 (e) Any matter before the board, except hearings held pursuant to  
75 the provisions of subsection (b) of section 1-82 or subsection (b) of  
76 section 1-93, may be assigned by the board to two of its members to  
77 conduct an investigation or hearing, as the case may be, to ascertain  
78 the facts and report thereon to the board with a recommendation for  
79 action.

80 (f) Members of the board shall be compensated at the rate of two  
81 hundred dollars per day for each day they attend a meeting or hearing  
82 and shall receive reimbursement for their necessary expenses incurred  
83 in the discharge of their official duties.

84 (g) The board shall not be construed to be a board or commission  
85 within the meaning of section 4-9a.

86 (h) The members and employees of the Citizen's Ethics Advisory

87 Board and the Office of State Ethics shall adhere to the following code  
88 of ethics under which the members and employees shall: (1) Observe  
89 high standards of conduct so that the integrity and independence of  
90 the Citizen's Ethics Advisory Board and the Office of State Ethics may  
91 be preserved; (2) respect and comply with the law and conduct  
92 themselves at all times in a manner which promotes public confidence  
93 in the integrity and impartiality of the board and the Office of State  
94 Ethics; (3) be faithful to the law and maintain professional competence  
95 in the law; (4) be unswayed by partisan interests, public clamor or fear  
96 of criticism; (5) maintain order and decorum in proceedings of the  
97 board and Office of State Ethics; (6) be patient, dignified and courteous  
98 to all persons who appear in board or Office of State Ethics  
99 proceedings and with other persons with whom the members and  
100 employees deal in their official capacities; (7) refrain from making any  
101 statement outside of a board or Office of State Ethics proceeding,  
102 which would have a likelihood of prejudicing a board or Office of State  
103 Ethics proceeding; (8) refrain from making any statement outside of a  
104 board or Office of State Ethics proceeding that a reasonable person  
105 would expect to be disseminated by means of public communication if  
106 the member or employee should know that such statement would  
107 have a likelihood of materially prejudicing or embarrassing a  
108 complainant or a respondent; (9) preserve confidences of complainants  
109 and respondents; (10) exercise independent professional judgment on  
110 behalf of the board and Office of State Ethics; and (11) represent the  
111 board and Office of State Ethics competently.

112 (i) No member or employee of the board or Office of State Ethics  
113 may (1) make a contribution, as defined in section 9-601a, to any  
114 [person] public official, state employee or candidate for public office  
115 subject to the provisions of this part; or (2) participate in the political  
116 campaign of any candidate for public office subject to the provisions of  
117 this part by (A) publicly endorsing or opposing a candidate on behalf  
118 of the political campaign of a candidate for public office; (B)  
119 organizing, selling tickets to, promoting or actively participating in a  
120 fund-raising activity of a candidate, a political party or a political

121 committee; (C) directly or indirectly soliciting, receiving, collecting,  
122 handling, disbursing or accounting for contributions or other funds for  
123 the political campaign of any candidate for public office; (D) soliciting  
124 votes in support of or in opposition to a candidate on behalf of the  
125 political campaign of any candidate for public office; and (E) providing  
126 any other compensated or uncompensated services for the political  
127 campaign of any candidate for public office.

128 (j) Members of the board shall recuse themselves from participating  
129 in any proceeding or matter undertaken pursuant to this chapter that  
130 involves the person who appointed such member to the board.

131 (k) No former member of the board may represent any business or  
132 person, other than himself or herself, before the board for a period of  
133 one year following the end of such former member's service on the  
134 board. No business or person that appears before the board shall  
135 employ or otherwise engage the services of a former member of the  
136 board for a period of one year following the end of such former  
137 member's service on the board.

138 (l) No member of the board may hold any other position in state  
139 employment for a period of one year following the end of such  
140 member's service on the board, including, but not limited to, service as  
141 a member on a state board or commission, service as a judge of the  
142 Superior Court or service as a state agency commissioner.

143 (m) Upon request of any aggrieved party, the board shall delay the  
144 effect of any decision rendered by the board for a period not to exceed  
145 more than seven days following the rendering of such decision.

146 (n) Each person appointed to the board shall sign a certification  
147 indicating that such person is aware of the provisions contained in  
148 subsections (b) and (h) to (l), inclusive, of this section. Each such  
149 person shall file such certification with the Office of State Ethics prior  
150 to taking the oath of office as a member of the board.

151 Sec. 2. Subsection (q) of section 1-84 of the general statutes is

152 repealed and the following is substituted in lieu thereof (*Effective*  
153 *October 1, 2011*):

154 (q) No public official or state employee shall knowingly counsel,  
155 authorize or otherwise sanction action that violates any provision of  
156 this part.

157 Sec. 3. Subsection (c) of section 1-101nn of the general statutes is  
158 repealed and the following is substituted in lieu thereof (*Effective*  
159 *October 1, 2011*):

160 (c) Any person who [violates] is found in violation of any provision  
161 of this section by the Office of State Ethics pursuant to section 1-82 may  
162 be deemed a nonresponsible bidder by a state agency, board,  
163 commission or institution or quasi-public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	1-80
Sec. 2	<i>October 1, 2011</i>	1-84(q)
Sec. 3	<i>October 1, 2011</i>	1-101nn(c)

**GAE**      *Joint Favorable Subst.-LCO*

**JUD**      *Joint Favorable*